

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS,

Plaintiff,

v.

UMATILLA COUNTY et al.,

Defendants.

No. 2:12-cv-01101-SU

OPINION AND ORDER

MOSMAN, J.,

On February 27, 2013, Magistrate Judge Sullivan issued her Findings and Recommendation (“F&R”) [51] in the above-captioned case, recommending that plaintiff’s motion for award of fees and costs [22] be granted. Specifically, she recommended that plaintiff be awarded attorney fees in the reduced amount of \$31,983.80 and costs in the amount of \$779.89. Plaintiff and defendants filed objections [53, 54] and responses to those objections [55, 56].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Sullivan's recommendation, and I ADOPT the F&R [51] as my own opinion.

IT IS SO ORDERED.

DATED this 16th day of May, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge